

REMARKS

In response to the Final Office Action mailed September 24, 2003 (Paper No. 10), Applicant thanks the Examiner for considering Applicant's arguments of Paper No. 9 and indicating that Claims 5 and 6 are allowed. Applicant also thanks the Examiner for completing the review of the IDS filed on August 6, 2002. Applicant is filing herewith a Supplemental Information Disclosure Statement which Applicant asks the Examiner to acknowledge in the next communication. In the current Final Office Action, the Examiner has two outstanding concerns which are addressed herein.

Objection to the Specification

The Examiner maintained the objection to the specification under 37 CFR §1.821(b and c) and required that the sequence of IkB α be included in the application since specific residues, i.e. 32 and 36, of this sequence are mentioned in the instant pending claims.

Applicant herein amends the specification and claims 1, 5 and 6 to include as SEQ ID NO:9 the amino acid sequence of IkB α as found in the Haskill et al. ((1991) Cell 65:1281-1289) reference. The contents of Haskill et al. are incorporated by reference on page 106, line 6 and page 113, lines 6-7 of the specification. Applicant also files herewith an updated Sequence Listing including SEQ ID NO:9. Accompanying these amendments is a Declaration under 37 CFR §1.132, certifying that the inserted amino acid sequence is the same as that disclosed in the Haskill et al. reference. As these amendments include material incorporated by reference in the present application, these amendments add no new matter. In view of these amendments, Applicant asks that this objection be withdrawn.

Rejection of Claims 1-4 Under the Judicially Created Doctrine of Obviousness-type Double Patenting

The Examiner maintained the rejection of claims 1-4 under the judicially created doctrine of obviousness-type double patenting over claims 1-7 of U.S. Patent No. 6,107,073. In response, Applicant is filing herewith a Terminal Disclaimer to overcome this rejection. Thus, withdrawal of this rejection is requested.

CONCLUSIONS

Applicant respectfully requests that the Examiner enter these amendments after final rejection because, in view of these amendments and remarks, Applicant respectfully submits that the objection to the specification and rejection of claims 1-4 under the judicially created doctrine of obviousness-type double patenting are herein overcome and that this application is now in condition for allowance. Early notice to this effect is solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned. If the Examiner disapproves of Applicant's amendments and remarks in this response, Applicant requests a prompt mailing of an Advisory Action to that effect.

This paper is being filed timely within two months of the mailing date of the final action. No extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

21 November 2003

Respectfully submitted,

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